

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #7	CCRB Case #: 201905051	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 06/09/2019 12:00 PM	Location of Incident: [REDACTED]	Precinct: 107	18 Mo. SOL 12/9/2020	EO SOL 7/26/2021	
Date/Time CV Reported Tue, 06/11/2019 5:44 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 06/11/2019 5:44 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM John Mccue	15751	951984	107 PCT
2. POM Joseph Grisafi	13836	941852	107 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Grisafi	Abuse: Police Officer Joseph Grisafi damaged § 87(2)(b)'s property.	[REDACTED]
B.POM John Mccue	Force: Police Officer John Mccue used physical force against § 87(2)(b)	[REDACTED]
C.POM Joseph Grisafi	Force: Police Officer Joseph Grisafi used physical force against § 87(2)(b)	[REDACTED]
D.POM John Mccue	Abuse: Police Officer John Mccue forcibly removed § 87(2)(b) to the hospital	[REDACTED]
E.POM Joseph Grisafi	Abuse: Police Officer Joseph Grisafi forcibly removed § 87(2)(b) to the hospital	[REDACTED]
F.POM John Mccue	Abuse: Police Officer John Mccue failed to obtain language interpretation services for § 87(2)(b)	[REDACTED]
G.POM Joseph Grisafi	Abuse: Police Officer Joseph Grisafi failed to obtain language interpretation services for § 87(2)(b)	[REDACTED]
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	[REDACTED]
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	[REDACTED]

Case Summary

On June 11, 2019, § 87(2)(b) filed this complaint in-person at the CCRB.

On June 9, 2019, at approximately 12:00 p.m. § 87(2)(b) was at a grocery store located at § 87(2)(b) in Queens. § 87(2)(b) was attempting to redeem bottle recycling return receipts for cash value when he and § 87(2)(b) the manager of the store became engaged in a dispute. The manager called 911 and requested police officers to respond. PO John Mccue and PO Joseph Grisafi of the 107th Precinct responded to the 911 call. PO Grisafi allegedly ripped § 87(2)(b)'s recycling deposit receipts (**Allegations A – Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was escorted out of the store where PO Mccue and PO Grisafi allegedly kicked § 87(2)(b) in the back and forced him to the ground (**Allegations B and C – Force:** § 87(2)(g)). § 87(2)(b) was handcuffed and transported via ambulance to § 87(2)(b) against his will (**Allegations D and E – Abuse of Authority:** § 87(2)(g)). § 87(2)(b) cannot communicate in English and alleged that PO Mccue and PO Grisafi both failed to obtain language interpretation services (**Allegations F and G – Abuse of Authority:** § 87(2)(g)). § 87(4-b), § 87(2)(g).
§ 87(2)(b) was not charged with any crime and was treated at the hospital for cuts and scrapes to his face and knee. He was also diagnosed with dementia and released into the custody of family members.

Body worn camera videos were obtained showing portions of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Joseph Grisafi damaged § 87(2)(b)'s property.

§ 87(2)(b) stated that he was at the grocery store to use the bottle deposit refund machines, which he has done repeatedly in the past. He stated he has never had any issues or problems with any of the employees at the grocery store. On June 9, 2019, an employee at the store refused to honor the cash value of the bottle return refund receipts § 87(2)(b) presented. § 87(2)(b) could not communicate with the employee because he did not speak English. The manager of the store called 911, and reported that § 87(2)(b) was refusing to leave the store and banging on windows. PO Grisafi and PO Mccue responded to the store. § 87(2)(b) alleged that PO Grisafi took the receipts, which were worth over six dollars, ripped them and threw them into the trash.

PO Grisafi and PO Mccue both denied that either ripped the receipts. In their BWC videos, PO Mccue can be seen informing PO Grisafi that the store employees alleged that § 87(2)(b) was defrauding the machine by repeatedly scanning and pulling out the same bottle from the machine.

On June 13, 2019, CCRB investigators conducted a canvass (**BR1**) of the grocery store and spoke to § 87(2)(b) a manager at the grocery store. § 87(2)(b) stated that § 87(2)(b) attempted to reimburse fraudulent bottle return receipts and that when he refused to compensate § 87(2)(b) for the receipts, § 87(2)(b) began to follow him around the store and refused to leave. The manager then called the 107 Precinct. He did not mention what happened to the receipts. § 87(2)(b) provided his phone number to the CCRB when investigators visited the store, but upon attempts to obtain a detailed statement

from him by phone, § 87(2)(b) stated he no longer wished to speak to the CCRB because the process was too time consuming. There was no video showing this portion of the incident.

§ 87(2)(g)

Allegation (B) Force: Police Officer John Mccue used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Joseph Grisafi used physical force against § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer John Mccue forcibly removed § 87(2)(b) to the hospital

Allegation (E) Abuse of Authority: Police Officer Joseph Grisafi forcibly removed § 87(2)(b) to the hospital

It is undisputed that PO Mccue and PO Grisafi used force against § 87(2)(b) in the process of handcuffing him. The type of force used remains in dispute.

§ 87(2)(b) was § 87(2)(b)-old at the time of the incident. He is § 87(2)(b). § 87(2)(b) stated he was unable to communicate with the officers because he is hard of hearing and does not speak any English. He alleged that the officers led him outside of the store, where the two officers each grabbed one of his arms. § 87(2)(b) attempted to grab onto a railing outside of the store. The officers kicked him in the back, causing him to fall to his knees and then the officers pushed him to the ground onto his face. The officers then handcuffed him while he was on the ground. § 87(2)(b) did not understand anything the officers said to him.

PO Mccue and PO Grisafi stated that when they responded to the report of the disturbance their initial intention was to remove § 87(2)(b) from the premises of the store at the request of the manager. Once outside the store, § 87(2)(b) refused to walk away from the store and began to behave erratically and aggressively towards the officers. PO Grisafi stated that § 87(2)(b) was intent on returning inside the store and continue the argument. PO Grisafi and PO Mccue both stated that § 87(2)(b) raised his hands towards them. PO Mccue added that § 87(2)(b) made fists with his hands. The officers attempted to determine how to communicate with § 87(2)(b) who appeared to speak a dialect of Chinese. As § 87(2)(b)'s behavior continued, PO Mccue and PO Grisafi both believed that § 87(2)(b)'s aggressive behavior was not criminal, but the result of apparent mental derangement. They therefore deemed him to be an emotionally disturbed person in need of medical attention. One of them used his radio and called for an ambulance. They stated that § 87(2)(b)'s aggressive behavior posed a danger to himself and others. PO Grisafi and PO Mccue both stated that they grabbed § 87(2)(b) by the arms and attempted to handcuff him, but that he flailed his arms and squirmed his body. They both stated that they used their control of § 87(2)(b)'s arms to lower him onto the ground onto his stomach. Both PO Mccue and PO Grisafi denied that either of them had kicked § 87(2)(b).

In his call to 911 (BR2), the manager of the store stated that § 87(2)(b) had refused to leave the store and was banging on the windows. He described § 87(2)(b) as "very aggressive." During his statement to the CCRB during the canvass at the grocery store (BR1), § 87(2)(b) stated that § 87(2)(b)

placed his hands on one of the officers and that the officers responded by placing him in handcuffs. As noted previously, § 87(2)(b) declined to speak to the CCRB further about this incident.

In PO Mccue's BWC (**BR3**) video, PO Mccue returned to the store after § 87(2)(b) was handcuffed and spoke to the store manager. PO Mccue said to the manager, "You saw he wouldn't comply with us." The manager again stated that § 87(2)(b) was aggressive with the employees. The manager asked PO Mccue whether § 87(2)(b) was hurt and PO Mccue responded, "No. We just... He was resisting, so we just put cuffs on him to get evaluated at the hospital."

Neither PO Mccue nor PO Grisafi's body worn cameras were active during the use of force. PO Grisafi's BWC was activated shortly after § 87(2)(b) was handcuffed (**BR4**). The video began as the camera was picked up from the ground. As the camera was picked up, § 87(2)(b) could be seen laying on his back and on his side while his arms are behind him in handcuffs. § 87(2)(b) was wearing a bicycle helmet and sunglasses. There was a wound on the left side of his face from which he was bleeding. PO Mccue and PO Grisafi picked § 87(2)(b) up from the ground. § 87(2)(b) was silent during this video and PO Mccue and PO Grisafi were not speaking to him at this point in the interaction.

§ 87(2)(b) sustained an abrasion to the left side of his face, from which he was bleeding, bruising to his arms and scrapes to his knees. PO Mccue believed § 87(2)(b) sustained the scratch to his face from the sunglasses he was wearing when he placed on the ground, and both officers suspected that § 87(2)(b) scrapped his knee when he was placed on the ground.

The medical records from § 87(2)(b) indicated that § 87(2)(b) was brought to the hospital by EMS and NYPD with a complaint of a wound to the left side of his face and an abrasion on the left knee. § 87(2)(b) stated that he sustained the injuries in a "scuffle" with police. § 87(2)(b) asked why he was brought to the hospital and demanded to be allowed to return home. § 87(2)(b) initially refused to provide contact information for family, but eventually provided the phone number of his daughter. When she was contacted by the hospital, she stated that § 87(2)(b) has Alzheimer's dementia, but she disagreed that he should be in the hospital. § 87(2)(b)'s daughter asked that he be held at the hospital until she picked him up. § 87(2)(b) was eventually picked up by his grandson. § 87(2)(b) was diagnosed with an abrasion on his left knee, a laceration to his face, and late onset Alzheimer's disease with behavioral disturbance (**See privileged documents**).

§ 87(2)(g)
[REDACTED]

Patrol Guide Procedure 221-13 (**BR5**) defines an emotionally disturbed person as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

§ 87(2)(g)

[REDACTED]

Allegation (F) Abuse of Authority: Police Officer John Mccue failed to obtain language interpretation services for § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Joseph Grisafi failed to obtain language interpretation services for § 87(2)(b)

§ 87(2)(b) stated that he does not hear well. During his interview at the CCRB, § 87(2)(b)'s daughter repeated the investigator's questions by yelling into § 87(2)(b)'s ear. § 87(2)(b) was otherwise unable to hear any of the questions. § 87(2)(b) speaks a dialect of Szechuanese Chinese but can understand Mandarin Chinese. § 87(2)(b) stated that he does not understand or speak any English. § 87(2)(b) was unable to communicate with any of the police officers. He stated that none of the police officers obtained any translator during his interactions with them.

PO Grisafi's BWC video (BR6) shows that after § 87(2)(b) was handcuffed, PO Grisafi used a Department-issued cell phone and called Language Line services and requested a Mandarin Chinese translator. PO Grisafi asked the translator to speak to § 87(2)(b) and held the cell phone up to § 87(2)(b). § 87(2)(b) reacted by recoiling from the phone and shaking his head. The translator asked § 87(2)(b) in Mandarin whether he spoke Mandarin. § 87(2)(b) did not respond verbally and shook his head. PO Grisafi then hung up the phone. The videos also showed that at other points in the incident, several officers asked § 87(2)(b) in English what language he speaks. § 87(2)(b) did not answer.

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) [REDACTED] has been a party (**BR8**).
- PO John Mccue has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.
- PO Joseph Grisafi has been a member-of-service for 13 years and has been a subject in one other CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**BR9**).
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (**BR10**).

Squad No.: 7

Investigator: _____ SI Simon Wang _____
Signature Print Title & Name Date

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____